

A
VINDICATION
OF
Their Majesties Authority
TO FILL THE
S E E S
OF THE
Deprived Bishops;

In a LETTER out of the Country.
Occasioned by Dr. B——'s Refusal of
the Bishoprick of BATH and WELLS.

L O N D O N:

Printed for Ric. Chiswell, at the *Rose and Crown* in
St. Paul's Church-yard. MDCXCI.

✓ 15
4350
40

Somerset

1691

A
VINDICATION
OF
Their MAJESTIES Authority
To fill the
SEES of the Deprived Bishops.

LICENSED,

MAY 29. 1691.

VINDICATION

OF

THEIR MASTERS' AUTHORITY

IN THE

S E E S

OF

THEIR MASTERS' AUTHORITY

IN THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

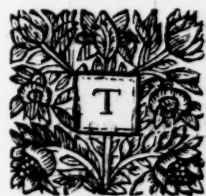
I

A
VINDICATION
OF
Their Majesties Authority

TO FILL

The SEES of the Deprived Bishops.

SIR,



THE Account we have received here of Dr. B——'s Refusal of the Bishoprick of *Bath* and *Wells*, hath occasioned great Talk, and different Censures, as men are divided in their Interests and Opinions. I know not what to think of it, because I know not the Reasons for which he did it;

A 3

but

but it is an unhappy amusement at such a time as this, to which a Wise Man, who had well considered Consequences, would not have given the occasion. I hope it may end all in noise, without any mischievous Effects; but considering how many there are, who are very watchful to improve every Accident to the Disturbance of the Government, and to unsettle mens minds, I cannot forbear giving you my Thoughts about it; tho my tender regard for the Person concerned, would have made me silent at any other time.

I can easily apprehend several Reasons which might move Wise and Good men, where there are no greater and more pressing Obligations to the contrary, rather to chuse an Ecclesiastical Preferment void by Death or Cession, than by Deprivation; but our present Circumstances

stances are such, as ought to over-rule all Niceties ; the mischiefs of such a Refusal being so intolerable, as nothing can excuse, much less justify it, but the absolute unlawfulness of succeeding in such Preferments, while the Deprived Bishop lives ; which would be very odd for them to pretend, who have submitted to the present Government. To satisfy you in this matter, I shall briefly consider the first sort of Reasons, and shew that they are no Reasons in our Circumstances ; and then examine the Lawfulness of the thing it self.

As for the first, It may so happen, that the person Deprived, and the person to be Promoted, have been old and intimate Friends ; and this may grate hard upon the person to be Promoted, to succeed in the Chair of one whom he loves , whose Misfortune he pities ;
whom

whom he greatly values for his other many good Qualities: Now if to refuse such a Preferment, would keep my Friend possessed of it, there were some sense in this; but I know no other case, wherein tis thought a Breach of Friendship to succeed a Friend in a Preferment which he has lost, and which the Law says is not, and shall not be his; when there is no suspicion of foul play in supplanting him, any more than to succeed a dead Friend: Friendship is so far from being any Reason against it, that it should make it desirable to both; to one, That his Friend may get what he has lost; to the other, That he may have opportunity, if there be occasion for it, to make his Friend's Misfortune more easie, than a Stranger would do.

And

And if Friendship be no Objection, What should hinder any Man from taking a Preferment, which another is legally deprived of? for I must take the Legality of it for granted now, and argue upon that Supposition. We must not take away what is another's; but surely what is not his, we may accept from those who have Power to give it. If one may give, the other may receive; for let the Objection be what it will, it lies as much against the Giver as the Receiver. They who have lost it, want it: And what then? so do a great many Men want what is not theirs, what they never had, as well as what they have lost: And must no Man take a Preferment in Church or State, which another wants? Must the good Order and Government

B

of

of Church and State be sacrificed to the Wants and Misfortunes of private Men?

But there is a more material Consideration, which may influence prudent and cautious Men, who are well preferred already. The Experience of the Revolution in 1660 hath taught them, how dangerous it may be in case such a Revolution should happen, to change their old Preferments for new Ones, which may be challenged again by their old Proprietors. But in our Case there is the least to be said for this Caution, that can possibly be in any Revolution: for it is as vain a thing to hope to secure our selves in such a Revolution, by Prudence and Caution, as it is for a Man to fortify
his

his House against the breaking in of the Sea: If he take care of the Banks, and keep out the Sea, his House will escape; but if the Sea break in upon him, he must perish with his Neighbours. If there ever be such a Revolution as can unsettle what this hath done, God be merciful to this miserable Nation; the prudent and the cautious Sinner, and the zealous Defenders of the present Government, will fare much alike: Nay, however they may flatter themselves, the deprived Bishops will not long triumph over their new Successors.

Thus in some Cases it may be a good Reason not to do a very lawful and innocent thing, if it be greatly mistaken and misrepresented, and

give a general Offence and Scandal :
But when it appears, that there is no-
thing but Mistake and Passion, and
private Interest, or ill Designs on one
Side; and a real Scandal, and great
and publick Mischief on the Other,
no wise Man will deliberate long
which Side to take : None but the
Enemies of the Government can take
offence at any Man's succeeding the
deprived Bishops; and I think those
who have submitted to the Go-
vernment, and sworn Allegiance
to their present Majesties, ought not
to be concerned at that : They have
offended these Men already, and are
no better in their Opinion than Per-
jured Rebels ; and all that they can
now gain by humouring them, is to be
flattered, and to be laugh'd at. They
may

may for a while give them some good words, as our Dissenters did those honest Men, who, as they thought, conformed against their Consciences; but they will either secretly abhor them as Knaves, for swearing against their Consciences, or despise them as Fools for refusing Bishopricks. And this is no very good Reason for a wise Man to court their Favour.

But on the other hand, what an unpardonable Scandal does such a Refusal give, both to the Enemies, and to the Friends of the Government, and to the Government it self?

Whatever may be pretended, the World will not believe that Doctor B—— refused a Bishoprick, but either out of Fear or Conscience: The
first

first calls in question the Stability or Continuance of the present Government; the second the Authority of it. Now this confirms the Enemies of the Government in their opinion of the unlawfulness to submit to it, and encourages them to attempt its overthrow; it weakens the hands of Friends, and makes them cautious of embarking in a sinking Interest, and fills them with new Jealousies of the lawfulness of it; and what just offence this must give to the Government, I need not say.

The truth is, were I not better persuaded of the good Inclinations of their Majesties to the Church of *England*, and the general Inclination of the Nation to support the Government,

ment, I should dread what might be the fatal Consequence of such a miscarriage as this both to Church and State.

There are always too many, who are glad of such an opportunity to reproach the Church, and to possess their Majesties with an ill Opinion of the Clergy, notwithstanding their Oaths of Allegiance; and I confess this gives too great an Advantage to such Misrepresentations, were not the Zeal and good Affection of wiser Men too well known, to be suspected; and then I hope a single Instance of Folly can do no great hurt; for that is the softest Name I can give it, on which side soever I view it.

This plainly proves, that supposing
it

it lawful to have taken the Bishoprick; no other Consideration whatsoever can justify the refusal in our Circumstances; and I know not how to suppose that Dr. B—— could think it unlawful.

He submitted to the Government, and took the Oath of Allegiance as early as any Man; and never, that I heard, had the least scruple about it; and yet this was the time to have been Scrupulous, if He would have been so; for it seems a little of the lateſt, when He is become a sworn Subject to King *William* and Queen *Mary*, to question their Authority to make a Bishop. And if the former Bishops were Deprived, and New Bishops made, by such an Authority as he can swear Allegiance to, I cannot understand

derstand, that it can be unlawful to accept a Bishoprick from the hands of those whom he owns, by his swearing Allegiance to them, to have Authority to give it; for this is an Authority which belongs to the Imperial Crown of *England*.

Besides this, *Dr. B.* — was one of those, who by Commission from the Dean and Chapter of *Canterbury*, hath exercised Archi-Episcopal Authority, during the Vacancy of the See, by the deprivation of the *A. B.* as it is expressed in the Commission; and I take this to be altogether as unlawful (if either of them were unlawful) to seize upon the Authority of the *A. B.* upon the account of his deprivation, as to take the Character, and exercise the Authority of a Bishop in the See of a deprived Bishop. To receive the Consecration

C on

on of a Bishop, I suppose, is not the thing he accounts unlawful, nor to exercise the Authority of a Bishop; and then there is nothing he can think unlawful, but to exercise the Authority of a Bishop in the See of a deprived Bishop; and then it seems to me as unlawful for a Presbyter to do this, as for a Bishop to do it; unless a Presbyter may do it without the Revenues of the Bishoprick; but a Bishop must not do it with them; but this can be no Ecclesiastical scruple, as so great a Canonist must needs know; for if the Civil Power cannot dispose of such Temporal Matters, it can do nothing.

But whatever he thought, his refusing a Bishoprick upon great deliberation, after an appearing forwardness to take it, hath tempted people to think, that he judges it unlawful; and

to

to let him see, how inconsistent this is with his owning the present Government, and his exercising the Archiepiscopal Authority, I shall explain the meaning of it to him, which, I believe he never thought of.

If it be unlawful to succeed a deprived Bishop, then he is the Bishop of the Diocess still; and then the Law that deprives him is no Law, and consequently the King and Parliament, that made that Law, no King nor Parliament; and how can this be reconciled with the Oath of Allegiance, unless the Doctor can swear Allegiance to him, who is no King, and hath no Authority to govern?

If the deprived Bishop be the only lawful Bishop, then the People and Clergy of his Diocess are bound to own him and no other; then all Bi-

bishops, who own the authority of a new Arch-bishop, and live in Communion with him, are Schismatics; and the Clergy, who live in Communion with Schismatical Bishops, are Schismatics themselves; and the whole Church of *England* now established by Law is Schismatical, and Doctor B—— himself a Schismatick, if he communicate with it. And thus we have no Church, or only a Schismatical Church, as well as no King; and all that Dr. B—— has got by refusing a Bishoprick, is to prove himself a Schismatick, if he live in Communion; or to make a Schism, if he separate from it.

Now will the Doctor say this? or if he dare not say it, will he dare to think it? and yet if the deprived Bishops, though they retain their Episcopal Character, have no Authority
or

or Jurisdiction in the Church of *England*, then it must be lawful for other Bishops to exercise that Authority, which they have lost; and to succeed in the Government of such vacant Sees, unless such Churches must be deprived of the Episcopal Authority, while their deprived Bishops live.

And this brings me to consider the lawfulness of the thing it self, which is so evident when set in a clear light, that it will admit of no dispute with Men of Sense.

In a late Letter said to be sent to Doctor *B*—— and now printed on the Backside of a scandalous Rhyming Libel upon his Sermon of *Restitution*, he is threatned in Case he should accept the Bishoprick, with the Fate of those *Ecclesiastical Schismatical Usurpers*, Gregory and George

George of Cappadocia, *who unjustly invaded the See of Alexandria upon the deposing of Athanasius the Orthodox Bishop there.* What effect this might have on Doctor B—— I know not; but those who have used themselves to good Sense, as well as to *ancient Canons*, easily perceive a vast difference between these two Cases, as will presently appear. But to represent this matter plainly and easily, I shall briefly State the Case, and that I believe will satisfy understanding Men, without disputing.

1. First then in a Christian Nation and Government, the Church is incorporated into the State, and the Sovereign Power has a Supremacy in all Ecclesiastical Causes. To deny this, is either Popery or Fanaticism: It is plain, the Reformation of this, Church

Church was founded on this Principle; and it is the constant Doctrine of our Articles, Homilies, and Canons, and they are our Rule considered as Members of the Church of *England*.

2. This Supremacy, though it do not extend to the administration of Holy Offices or Church Censures, yet it reaches the Persons and external Jurisdiction of Bishops, and the other Clergy, and the Regulating and Ordering the Externals of Religion: As the making and deposing Bishops, when there is just Cause for it, belongs to the Supremacy; which Authority was exercised by the *Jewish* Kings over the High Priest himself: and to resolve all this into a meer Ecclesiastical Authority, is to set up a Pope, or a Presbytery, or a National Synod, above the Supream Power; and

and we may as well say at this day, that the Supream Power has no Authority to make a Bishop, because by the ancient Canons and Practice of the Church, a Bishop ought to be freely and canonically elected by the other Bishops of the Province, or by the Clergy and People of the Diocess; as that it cannot depose a Bishop from the exercise of his Episcopal Authority within their Dominions, without a Synod or Council.

3. When a Church is incorporated into the State, an offence against the State is a just reason to depose a Bishop from the exercise of his Episcopal Authority in such a State: Especially if such Bishop or Bishops wholly disown the Authority and Government of the State, and refuse to submit to it: The denial of the King's Supremacy in
Eccle-

Ecclesiastical Causes, was thought a good Reason to depose Bishops; and to deny their Civil Authority, is somewhat more than that. This is as certain and evident, as that the *Church* is and must be Incorporated into the State; for if Bishops, who oppose and disown the Authority of the State, must not be deposed from the Exercise of their Authority in such a State, then the *Church* must be divided from the State, and be independent on it; such Men may be Bishops of the *Church* who are no Subjects of the State; which is a contradiction to the very Notion of a *Church* incorporated with the State.

4. And therefore we must distinguish between an Ecclesiastical and Canonical deposition of a Bishop for
D Herefie,

Heresie, or other Ecclesiastical Crimes ; and a State deprivation. The first concerns the Character, and Ecclesiastical Communion ; it is the censure of the Church, which concerns him as a Bishop ; and when it is ratified and confirmed not only by a Provincial or National Synod , but by a General Council, such a deposed Bishop is no longer a Bishop of the Catholick Church, and no Christian must Communicate with him as a Bishop : But a State-deprivation does not concern the Character ; such a Man may be a Bishop of the Catholick Church still, if he do not fall under Church-Censures, for Heresie or other Crimes ; but it only concerns the Exercise of his Episcopal Authority in any Diocess within the Dominions of that State,

State, or enjoying any Ecclesiastical Benefice in it. And if we will not allow the Supreme Power of a Nation to judge, who shall be Bishops in their Dominions, and enjoy the Revenues of the Church, which are the Gift of the State; you leave the Supreme Power no Authority or Jurisdiction over Ecclesiastical Persons.

5. And this makes a great difference between succeeding an Orthodox Bishop uncanonically deposed, and succeeding an Orthodox Bishop deprived by an Act of State. If a Bishop be deposed by an Heretical Synod upon false suggestions, and publicly known to be false and malicious, and be own'd and acquitted by a *Council* of Orthodox Bishops, it is *Ulurpation* to invade his See, a breach of

Catholick Communion, and a Schism in the *Catholick Church*, which was the Case of *Athanasius* and *George* of *Cappadocia*, who succeeded him: But if a Bishop otherwise Orthodox, is guilty of such an Offence against the State, that he is deprived of the Exercise of his Episcopal Office, neither the *Faith* nor the *Communion* of the *Church* is concerned in it, but only the Authority of the State, which obliges both the *Clergy* and the *Laity* in such cases; and when neither the *Catholick Faith* nor *Catholick Communion* are concern'd, it can be no Ecclesiastical Offence to succeed in such a Bishoprick, but a due submission and compliance with that Authority, to which the *Church* in a Christian Nation ought to be subject.

The

The reason why these Matters are not so accurately distinguished by some Men, is because they were not at first distinguished when the Empire became Christian, and the *Church* was at first Incorporated into the *State*. The Zeal of the Christian Emperors for the Service of the *Church*, and that great Opinion which at that time they deservedly had of the Piety and Prudence of the Governours of the *Church*, made them leave the Government of the *Church* in the same state they found it in, when the *Church* was a distinct Society from the *State*; and in consequence of this, they reserved all Causes relating to Bishops to the Cognizance of their own Synods, without distinguishing between Offences against the *State*, which properly

properly belong to a Civil Cognizance, and those which were of a pure Ecclesiastical Nature. This soon created great trouble to Princes, and by degrees grew into the Omnipotent Power of the Bishop of *Rome*, which domineered over Emperors themselves, and set the *Church* above the *State*.

The Reformation of our Church began with the Reformation of this Abuse and Church-Usurpation, and restored our Princes to that Supremacy, which both the Laws of God, and the reason and nature of Sovereign Power gives them over all Persons, in all Causes, as well Ecclesiastical as Civil: And now an Offence against the State, is as just a Reason for a State-Deprivation by the sole Authority of the State, without the Authority of Synods

Synods or Councils ; as Hereſie and Schiſm, and other Crimes are of Eccleſiaſtical Cenfures.

This Authority, as I obſerved before, the Jewish Kings exerciſed even over their High-Prieſts, as *Solomon* depoſed *Abiathar* for following *Adonijah* to make him King, and placed *Zadock* in his ſtead ; which was a pure State-Quarrel, and done by his ſole Authority, without conſulting the *Sanhedrim* in it. Thus when *Judea* was under the Government of the *Romans*, they changed the High-prieſts every Year ; tho by the Inſtitution of God it was for Life ; and this in our Saviour's Days, who never reproved them for it, nor ſeparated himſelf or his Diſciples from the Communion of ſuch *Schiſmatical Uſurping High-prieſts*, who ſuc-

succeeded in the places of their living Predecessors without a Canonical Deposition. The *Grand Signior* at this Day makes and unmakes the Patriarch of *Constantinople* at pleasure, and no Man blames the Patriarch who succeeds.

Dr. *Sherlock* in his Preface to the *Case of Allegiance*, took notice of this as matter of Fact, without enquiring into the Reasons. His Answerer had nothing to return to it, but by denying the legal Authority of this Government; which is just nothing to the purpose: For if a legal Government, by their Authority and Supremacy, can depose Bishops, and promote New ones; then all their Arguments against succeeding in the Sees of such Bishops as are not Canonically deposed by an Eccle-

Ecclesiastical Authority, are utterly lost; and besides that, if this Answer be good, no man ought to question these new Promotions, who owns the Authority of the present Government.

The truth is, the same Objections which are now made against the Promotion of these new Bishops, are equally strong, and as eagerly urg'd at this Day by the Papists against our first Reformers: For they were promoted to Bishopricks, while the former Popish Bishops were living, and not Canonically deposed by any Act of the Church, but only by the Authority of the State; and there denying the Supremacy of the King, was one, and none of the least of those Doctrines, which they were deposed for; and yet

E

that

that only rejects the King's Ecclesiastical Authority ; and therefore as it is only an Offence against the State, so it is a much less Offence, than utterly to renounce their Authority in Civil and Ecclesiastical Causes, as our deprived Bishops now do.

I shall not need to enlarge on these things, which are plain and obvious at the first Proposal : If you have any opportunity of seeing Dr. B——, desire him to consider again of it ; and though he may repent too late to do himself any good ; yet if he discover his mistake, common Justice to the Government, under whose Protection he lives, and to Their Majesties, to whom he has sworn Allegiance, and who had placed such a Mark of Favour and Honour on him, had he known

known how to value it, obliges him publickly to own his Mistake, which is the only recompence he can now make. I am

S I R,

Your Humble Servant.

F I N I S.

Books lately printed for Richard Chiswell.

A New History of the Succession of the Crown of England, and more particularly from the Time of King *Egbert*, till King *Henry the VIII.* Collected from those Historians who wrote of their own Times.

A Discourse concerning the unreasonableness of a New Separation on account of the Oaths; With an Answer to the History of Passive Obedience, so far as relates to Them.

A Vindication of the said Discourse, concerning the Unreasonableness of a New Separation, from the Exceptions made against it, in a Tract called, A Brief Answer to the said Discourse, &c.

An Account of the Ceremony of Investing His Electoral Highness of *Brandenburgh* with the Order of the Garter at *Berlin*, June 6. 1690. By *James Johnston Esq;* and *Gregory King Esq;* His Majesties Commissioners.

Dr. Freeman's Sermon at the Assizes at *Northampton*, before the Lord Chief Justice *Pollexfen*, August 26. 1690.

—His Thanksgiving Sermon before the House of Commons, November 5. 1690.

Dr. Tenison's Sermon before the Queen, concerning the Wandring of the Mind in God's Service, Feb. 15. 1690.

—His Sermon before the Queen, of the Folly of Atheism, Feb. 22. 1690.

Dr. Fowler's Sermon before the Queen, March 22. 1690.

The Bishop of *Sarum's* Sermon, at the Funeral of the Lady *Brook*, Feb. 19. 1690.

—His Fast Sermon before the King and Queen, April 29. 1691.

Mr. Fleetwood's Sermon at *Christ Church* on *St. Stephen's* day.

A True and Impartial History of the Most Material Occurrences in the Kingdom of *Ireland* during the Two last Years. With the Present State of both Armies. Published to prevent Mistakes, and to give the World a Prospect of the future Success of Their Majesties Arms in that Nation. Written by an Eyewitness to the most Remarkable Passages.

A full and impartial Account of the secret Consules, Negotiations, Stratagems, and Intregues of the *Romish* Party in *Ireland*, from 1660. to 1889. for the Settlement of Popery in that Kingdom.

A Ground Plot of the strong Fort of *Charlemont* in *Ireland*, with the Town, River, Marshes, Boggs, and Places adjacent. Drawn by Captain *Hobson*, price 6 pence.

An Exact Ground Plot of *London-Derry*, with the River, Woods, Ways and Places adjacent, by the same Captain *Hobson*, price 6 d.

There is preparing, and will shortly be Published, A Prospect of *Limerick*, bearing due West, exactly shewing the Approaches of the *English* Army, with the Batteries and Breach.

A Nglija Sacra : Sive Collectio Historiarum, partim antiquitus, partem recenter scriptarum De Archiepiscopis & Episcopis Angliæ à Prima Fidei Christianæ susceptione ad Ann. 1540. Nunc primum in Lucem editum. Pars Prima de Archiepiscopis & Episcopis Ecclesiarum Cathedralium quas Monachi possederunt. Opera *Henrici Whartoni*.

This Book will be ready for Publication by the Fourth of June next : Subscriptions will be taken till the First of July. Proposals for the same may be had of *Richard Chiswell*, and most other Booksellers in *London* and the Country.